

SCANNED

FILED
BILLINGS, MT
2006 MAY 12 PM 12 31
PATRICK E. DUFFY, CLERK
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

DUBRAY LAND SERVICES, INC. and)	
JAMES DUBRAY,)	CV-05-130-BLG-RFC
)	
Plaintiffs,)	
vs.)	
)	ORDER
SCHRODER VENTURES US, ANDREW)	
GASPAR, NICHOLAS SOMERS, AND W.)	
MONTAGUE YORT, MESA)	
COMMUNICATIONS GROUP, LLC, MESA)	
HOLDING CO., AND JOHN DOES 1-10,)	
)	
Defendants.)	
_____)	

On March 31, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Defendants' Motion to Dismiss be granted as to Plaintiffs' claim for abuse of process and that Count I of the Complaint be dismissed. Magistrate Judge Anderson further recommends that the Motion to Dismiss in all other respects be denied.

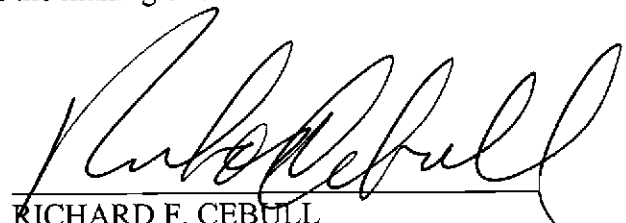
Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Defendants filed objections to the Findings and Recommendations on April 17, 2006 and Plaintiffs filed a response to the objections on May 4, 2006. Defendants' objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss [*doc. #6*] is GRANTED as to Plaintiffs' claim for abuse of process and Count I of the Complaint is DISMISSED. Defendants' Motion to Dismiss in all other respects is DENIED.

The Clerk of Court shall notify the parties of the making of this Order.

DATED this 12th day of May, 2006.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

DATE: _____

BY: _____

I hereby certify that a copy of
this Order was mailed to:

Jeanne Matthews Bender

Herbert Pierce/Jeffrey Oven/Donald Youde